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EXAMINER
LIN, KELVIN Y

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 June 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Drawings

1.   The drawings are objected to the informalities as follows:

   a.   In figure 4, block 440, the content "end gateway process' is different from the detail description of the preferred embodiments in page 9, second paragraph line 1, 'returning to step 440, the client process may also end by a termination'.

   The examiner suggests that the 'gateway' should be removed from the block 440 content.

   A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Specification rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

On page 8, line 29, in the sentence 'the protocol can include a protocol that is not

compliant with HTTP', 'the protocol' is ambiguous and lack the

information that whether 'the protocol' can still communicate with HTTP.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim3, 5, 11, 13 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 3 - 13: the sentence 'a protocol other than HTTP' renders the

claims indefinitely because this is different from the description

in the Page 8, l. 29 – 'The protocol can "include" a protocol that

is not compliant with HTTP.' Because of missing 'include' in

these claims make them differentiate from the one mentioned in

P.8, l. 29. Also, the implementation between two protocols are

different.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claim 1-8, 9-14, and 19 are rejected under 35 USC 102(e) as being anticipated

by Ruslan Belkin   (US Patent 6604125).

4.   Claim 1: Belkin teaches a method for the client communicating to a web server

using the HTTP protocol (Belkin, col. 4, l. 31-33), and the web sever

comprises a request processing mechanism to perform the initialization

mechanism (Belkin, col.5, l.19-21), if the request is for CGI initialization.

Belkin also teaches the system includes a communication interface

provides a two-way data communication connected to the local network

and client (Belkin, col. 18, l.45-47). Belkin also teaches the thread

detachment performed by CGI when the request complete or client can

send the service request for termination (Belkin, fig. 1, col. 8, l. 1-4).

5.   Regarding claim 2, Belkin further discloses executing operations includes

receiving and processing data from the client. (Belkin, col. 5, l. 45-48).

6.   Regarding claim 3, Belkin further discloses the data is compliant with the

HTTP protocol or a protocol other than HTTP. (Belkin, col. 4, l. 32-34).

7.   Regarding claim 4, Belkin further discloses executing operations includes

creating and communicating data from the CGI to the client. (Belkin,

col. 5, l. 45-47).

8.   Regarding claim 5, Belkin further discloses the data is compliant with HTTP

Protocol or a protocol other than HTTP from the CGI to the client (Belkin,

Fig. 1, col. 4, l.32-34).

9.   Regarding claim 6, Belkin further discloses the client side logic configured

To perform the two-way asynchronous communication with the CGI. (Belkin,

col. 18, l.45-46).

10.   Regarding claims 9-14 have similar limitations as claims 1-6. Therefore, they are

rejected under Belkin for the same reasons set forth in the rejection of claims 1-6.

11.   Regarding claims 19, Belkin discloses the CGI engine invokes one or

more CGI applications (Belkin, col. 5, l. 49). Belkin also further discloses

the term applications is used broadly refer to any type of program or routine (e.g.

Java servlet) (Belkin, col.4, l.48-49). Therefore CGI is a servlet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 7-8, 15-18 are rejected under 35 U.S.C 103(a) as being

unpatentable over Belkin in view of Reisman (US Patent 6611862).

Regarding claims 7 and 8, Belkin differs from the claimed invention in that it does

not explicitly indicate the client side logic is pre-installed on the client side, instead

"with reference to a web server, but it is not so limited (to server). Rather, ...

implemented in any type of server or 'computer system' in which it is mutl-

threading" (Belkin, col. 4, l.21-25). The term "logic" is descried as follows:

"In programming, the assertions, assumptions, and operations that define what

a given program does" – from Microsoft Computer Dictionary.

Reisman teaches a device similar to that of Belkin's and indicates that "major

modules components are a user interface, .. additionally, components have

its own pre-installed logic - application programming interface (API).

(Reisman, col.9, l.19-26, col. 54, l.23-29).

With the client/server architecture, Belkin's multi-thread system is not being

limited on the server side, it also apply to the client side and allows the

pre-installed API (logic) on the client side.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Belkin's multi-thread computer system with

Reisman' system for pre-installed API logic on the client side.

Regarding claims 8, Belkin differs from the claimed invention in that it does

not explicitly indicate the client side logic is dynamically delivered to the client

side, instead referring multi-thread to the computer system from the web server.

Reisman teaches the tools have utility at the user's station

can be located at the web server accessible to users by dial-up connection, and

the web server can be provided with facilities dynamically delivered to the client

(Reisman, col. 51, l. 39-52).

Because both Belkin's and Reisman's system are implemented the client/server architecture it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Belkin's server system with Reisman' system for dynamically delivering to the client from servers. Regarding claims 17, Belkin teaches the web server servlet but not specifically teaches the Java applet. Reisman teaches the user workstation applications and further teaches the client-side logic is delivered in the form of a Java applet. (Reisman, col. 54, l. 4-10). Since both system are implemented under client/server (applet/servlet) architecture, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Belkin's multi-thread computer system with client/server architecture that Belkin system has already addressed.

Regarding claims 18, Belkin teaches how to process user requests but not teaches the multimedia specifically.

Reisman teaches the client-side multimedia applications and can be delivered in the form of movie. (Reisman, col 31, l. 32-44). With the client/server environment, the application that have implemented on client side using applet should have the similar logic for servlet to implement on the server side for the same application vice versa. It would have been obvious to one of ordinary skill in art at the time the invention was made to combine the teachings of Reisman multimedia application with Belkin's web server multi-thread user request for

multimedia application at client side.

13.   Regarding claim 15 and 16 have similar limitations as claims 7 and 8. Therefore,

they are rejected under Belkin and Reisman for the same reasons set forth in the

rejection of claims 7 and 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kelvin Lin whose telephone number is 703-605-1726.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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Business Center (EBC) at 866-217-9197 (toll-free).

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6/1/2004

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER